

Remarks

This response is submitted within the shortened statutory period of three months to respond to the office action dated June 25, 2004. Therefore, no petition and fee for extension of time is filed with this response.

Please enter the amendments and remarks in the response into the prosecution history of the subject application without prejudice or disclaimer.

Hereinafter, the claims that are pending prior to the entry of the amendments in this response are called "currently pending claims." This response amends currently pending claims 14, 22, 24, 25-26, 29-30, 33, 36, 39-43 and 58. No claims are added with this response. This response cancels currently pending Claims 44-57. Upon amendment the above US patent application will have 3 independent claims (currently pending claims 1, 31 and 32) and a total of 33 claims (currently pending claims 1, 3, 4, 9, 13, 15, 18-21, 23, 27-28, 31-32, 34-35, and 38 and amended claims 14, 22, 24, 25-26, 29-30, 33, 36, 39-43 and 58). The Applicant previously paid for 48 total claims and 3 independent claims. Therefore, no fee for excess claims is due with this response.

1. Objections to the claims.

The Examiner objects to currently pending claims 14 and 44-57 on page 2 of the office action. Applicant submits that currently pending claim 14 was amended to express the singular form in the term "drug." Currently pending claims 44-57 were canceled. Therefore, the claim objections should be withdrawn.

2. Rejections of claims under 35 U.S.C. 112, second paragraph.

The Examiner rejects currently pending claims 14, 22, 24, 29-30, 33, 36 and 39-57 under 35 U.S.C. 112, second paragraph, as being indefinite on pages 3 and 4 of the office action. The Applicant respectfully traverses these rejections. Furthermore, these rejections are now moot and should be withdrawn because currently pending Claims

44-57 are being canceled and because amended claims 14, 22, 24, 29-30, 33, 36 and 39-43 are not indefinite, as explained below.

The expression "comprises" was replaced by the expression "is" in the amended claims 14, 22, 24, 29-30, 33, 36, 39-43. The Examiner's assertion that the expression "comprises" would mean that there are other additional components besides the only one of them may be reflected from the certain group should now be moot. The Applicant refers to MPEP 2173.05(h) II under the heading "or terminology." There is explained that the expressions using "or" are acceptable, such as "wherein R is A, B, C, or D."

Currently pending Claims 25, 26 and 58 are amended to correct obvious typographical errors.

Accordingly, reconsideration and examination of the present application is respectfully requested.

The application is now in condition for allowance. Allowance of the application at an early date is respectfully requested.

The Applicant reserve the right to seek protection for any unclaimed subject matter either subsequently in the prosecution of the present case or in a divisional or continuation application.

This response amends currently pending Claims 14, 22, 24, 25-26, 29-30, 33, 36, 39-43, and 58 and deletes currently pending Claims 44-57. The amendments and deletions that are described in the preceding sentence were done to more fully claim the invention and/or to improve the wording of the claims and were not done to overcome rejections under 35 U.S.C. 112, to overcome the prior art, or to overcome any other rejections or objections. The amendments and deletions that are described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, shall not be considered necessary to overcome rejections under 35 U.S.C. § 112, and shall not be considered necessary to overcome any other rejections or objections.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this Response is not timely filed, then the Commissioner is authorized to treat this Response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this Response timely filed; and the petition fee due in connection therewith may be charged to deposit account No. 12-0415.

I hereby certify that this correspondence (with all of the indicated enclosures) is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450 on

September 24, 2004
(Date of Deposit)

JOHN PALMER

(Name of Applicant, Assignee
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(Signature)

(Date)

Respectfully submitted,

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